



COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on a Commercial Availability Request under the U.S.-Morocco Free Trade Agreement

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Request for public comments concerning a request for modification of the U.S.-Morocco Free Trade Agreement (USMFTA) rules of origin for certain women's pants made from certain woven fabrics.

SUMMARY: The Government of the United States received a request from the Government of Morocco, dated March 9, 2016, on behalf of MODALINE HOLDING to initiate consultations under Article 4.3.3 of the USMFTA. The Government of Morocco is requesting that the United States and Morocco ("the Parties") consider revising the rules of origin for women's pants to address availability of supply of certain woven fabrics in the territories of the Parties. The President of the United States may proclaim a modification to the USMFTA rules of origin for textile and apparel products after the United States reaches an agreement with the Government of Morocco on a modification under Article 4.3.6 of the USMFTA to address issues of availability of supply of fibers, yarns, or fabrics in the territories of the Parties. CITA hereby solicits public comments on this request, in particular with regard to whether certain woven fabrics can be supplied by the U.S. domestic industry in commercial quantities in a timely manner.

DATES: Comments must be submitted by **[INSERT DATE 30 DAYS FROM PUBLICATION]** to the Chairman, Committee for the Implementation of Textile Agreements, Room 30003, United States Department of Commerce, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Maria D'Andrea, Office of Textiles and

Apparel, U.S. Department of Commerce, (202) 482-1550.

SUPPLEMENTARY INFORMATION:

Authority: Section 203 (j)(2)(B)(i) of the United States – Morocco Free Trade Agreement Implementation Act (19 U.S.C. 3805 note) (USMFTA Implementation Act); Executive Order 11651 of March 3, 1972, as amended.

BACKGROUND: Article 4.3.3 of the USMFTA provides that, on the request of either Party, the Parties shall consult to consider whether the rules of origin applicable to a particular textile or apparel good should be revised to address issues of availability of supply of fibers, yarns, or fabrics in the territories of the Parties. In the consultations, pursuant to Article 4.3.4 of the USMFTA, each Party shall consider data presented by the other Party that demonstrate substantial production in its territory of a particular fiber, yarn, or fabric. The Parties shall consider that there is substantial production if a Party demonstrates that its domestic producers are capable of supplying commercial quantities of the fiber, yarn, or fabric in a timely manner. The USMFTA Implementation Act provides the President with the authority to proclaim as part of the HTSUS, modifications to the USMFTA rules of origin set out in Annex 4-A of the USMFTA as are necessary to implement an agreement with Morocco under Article 4.3.6 of the USMFTA, subject to the consultation and layover requirements of Section 104 of the USMFTA Implementation Act. *See* Section 203(j)(2)(B)(i) of the USMFTA Implementation Act. Executive Order 11651 established CITA to supervise the implementation of textile trade agreements and authorizes the Chairman of CITA to take actions or recommend that appropriate officials or agencies of the United States take actions necessary to implement textile trade agreements. 37 FR 4699 (March 4, 1972).

The Government of the United States received a request from the Government of Morocco, dated March 9, 2016, on behalf of MODALINE HOLDING, requesting that the United States consider

whether the USMFTA rule of origin for women's pants classified in HTSUS heading 6204 should be modified to allow the use of certain woven fabrics that are not originating under the USMFTA. The fabrics subject to this request are:

- Fabric 1: 45%-52% polyester, 45%-52% rayon, 1%-7% spandex woven synthetic bi-stretch fabric, classified in subheading 5515.11 of the HTSUS;
- Fabric 2: 60%-68% polyester, 29%-37% rayon, 1%-7% spandex woven poly-viscose fabric, classified in subheading 5515.11 of the HTSUS;
- Fabric 3: 31%-37% viscose, 17%-23% polyester, 17%-23% cotton, 13%-19% wool, 5%-11% nylon, 1%-6% spandex woven herringbone fabric, classified in subheading 5408.33 of the HTSUS;
- Fabric 4: 94%-99% virgin wool, 1%-6% spandex, twill stretch flannel reactive dyed fabric, classified in subheading 5112.11 of the HTSUS; and
- Fabric 5: 89%-95% polyester, 5%-11% spandex printed and solid woven polyester crepe fabric (with filament yarn size of 120D+40D*120D+40D and a construction of 175*104), classified in subheading 5407.61 of the HTSUS

CITA is soliciting public comments regarding this request, particularly with respect to whether the fabrics described above can be supplied by the U.S. domestic industry in commercial quantities in a timely manner. Comments must be received no later than **[INSERT DATE 30 DAYS FROM PUBLICATION]**.

Interested persons are invited to submit such comments or information electronically to OTEXA_MoroccoFTA@trade.gov, and/or in hard copy to: Chairman, Committee for the Implementation of Textile Agreements, Room 30003, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, DC 20230.

If comments include business confidential information, commenters must submit a business confidential version in hard copy to the Chairman of CITA, and also provide a public version, either in hard copy or electronically. CITA will protect any information that is marked business confidential from disclosure to the full extent permitted by law. All public versions of the comments will be posted on OTEXA's Web site for Commercial Availability proceedings under

the Morocco FTA: http://otexa.trade.gov/Morocco_CA.htm

Joshua Teitelbaum

Chairman, Committee for the Implementation of Textile Agreements

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